

VIRGINIA:

IN THE CIRCUIT COURT OF THE CITY OF CHESAPEAKE

COMMONWEALTH OF VIRGINIA)	CASE NOS. CR03-3089, CR03-3090, CR03-3091
VERSUS)	
LEE BOYD MALVO a/k/a)	INDICTMENT - CAPITAL MURDER (2
John Lee Malvo)	Counts) and USING A FIREARM IN THE
		COMMISSION OF A FELONY

ORDER

On October 31, 2003, Robert F. Horan, Jr., the Commonwealth's Attorney, Raymond Morrogh, the Deputy Commonwealth's Attorney, LEE BOYD MALVO a/k/a John Lee Malvo, the Defendant, and Michael Arif and Craig Cooley, co-counsel for the Defendant, appeared before this Court. The Defendant is indicted for the felonies of CAPITAL MURDER (2 Counts) and USING A FIREARM IN THE COMMISSION OF A FELONY and he appeared while in custody.

This case came before this Court today for argument on motions filed by the Commonwealth and the Defendant. The Court ruled as follows on each motion:

1. The defendant's motion in limine regarding the admissibility of crime scene and autopsy photographs was ruled on as follows:
 - A. The defendant had no objection to Commonwealth's exhibit # 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 13, 16, 17, 18, 19, 20 and 21.
 - B. The defendant's objection to Commonwealth's exhibit # 12 was sustained.
 - C. The Court overruled the defendant's objection to Commonwealth's exhibit # 11, 14 and 15.
2. The defendant's motion for the Court to rule on authenticity of documents to avoid the expense of transporting and housing nominal "Keepers of Records" was ruled on as follows:
 - A. The Commonwealth agreed to stipulate to the authenticity of the items in paragraphs 2, 3, 6, 7, 8, 9, 10 and 11 of the motion.

B. The Commonwealth refused to stipulate to the authenticity of the items in paragraphs 1, 4, 5, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22 and 23 of the motion.

The Court ruled that the defendant's must bring witnesses to testify to the authenticity of the documents to which the Commonwealth did not stipulate.

3. The Commonwealth's motion to amend the Court's order from October 24, 2003, to reflect the correct code section appointing Dr. Nelson was **granted**.
4. The Commonwealth's motion to appoint Dr. Stanton E. Samenow pursuant to Va. Code §19.2-264.3:1 was **granted**.

The Defendant was remanded to the custody of the Sheriff.

Entered on October 31, 2003.

~~JANE~~ MARUM ROUSH
JUDGE DESIGNATE